Step 2 – Interim Assignment

[*School District Letterhead*]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_

**SERVICES DURING INTERIM ASSIGNMENT PENDING ARDC MEETING**

I have removed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*student name*] from his/her current placement due to a violation of the Student Code of Conduct. I have also recommended a disciplinary change of placement for the student, which will be considered by the student’s ARD Committee. An ARD Committee meeting will be held within ten (10) school days to consider a change of placement.

Until the ARD Committee meets, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is assigned as follows:

\_\_\_\_\_ Days of out-of-school suspension

\_\_\_\_\_ Days of in-school suspension

\_\_\_\_\_ Days assigned to the district’s DAEP.

As a result of this interim assignment, the total number of days in which the student has been removed from [his/her] IEP placement this school year will exceed ten. Therefore, I have reviewed the student’s IEP and having consulted with one of the student’s teachers, I have determined that the services provided during this interim assignment will enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP.

APPROVED:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Special Education Teacher Campus Administrator

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Step 6•A – Notice to Law Enforcement

[*School District Letterhead*]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_

[*name, title*] [*Via Hand Delivery or Certified Mail RRR*]

[*address*]

[*address*]

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

In accordance with Texas Education Code § 37.015(a) or 37.0151(a), I am writing to notify you that I reasonably believe that [*student name(s)*] engaged in the following reportable conduct [*check all that apply*]:

|  |  |  |
| --- | --- | --- |
| * murder or capital murder * criminal attempt to commit murder or capital murder * manslaughter * criminally negligent homicide * arson * burglary * robbery * aggravated robbery * retaliatory assault against employee/volunteer * assault | * weapon offenses * deadly conduct * terroristic threat * aggravated assault * sexual assault * aggravated sexual assault * injury to a child, elderly, or disabled person * aggravated kidnaping * organized criminal activity * mandatory expellable conduct * possessing or promoting lewd visual material depicting a child | * continuous sexual abuse of a young child(ren) * indecency with a child * sexual performance of a child * compelling prostitution * criminal solicitation * using a child to assist or commit a drug offense * drug-related offenses * harassment through repeated electronic communications |

Specifically, the student is alleged to have [*describe offense with particularity*] on [*select one location: school property / at a school-sponsored or school-related activity on or off school property*] on [*date*].

The personal data of the student is as follows:

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sex: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DOB: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Parent/guardian: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Home address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sincerely,

[*administrator name*], [*administrator title*]

[*school district name*] ISD

Step 6•B – Notice to Instructional or Support Employees

[*School District Letterhead*]

**CONFIDENTIAL MEMORANDUM**

TO: [*List instructional or support employees that have regular contact with the student*]

FROM: [*administrator*]

RE: Report of Misconduct

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_

In accordance with Texas Education Code § 37.015(e), I am advising you that I reasonably believe that [*student name*] engaged in [*describe offense with particularity and refer to appropriate provisions of Texas Education Code § 37.015*] on [*select one location: school property / at a school-sponsored or school-related activity on or off school property*] on [*date*]. Based on this conduct, it is proposed that the student be [*name disciplinary consequence*.] You are directed to keep this information confidential.

If you need additional information concerning this matter, please feel free to contact me.

Please check the box, initial below, and fill in the date after you review this memo:

\_\_\_\_\_ I, [*instructional employee*], reviewed this memorandum on \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_ I, [*instructional employee*], reviewed this memorandum on \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_ I, [*instructional employee*], reviewed this memorandum on \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_ I, [*instructional employee*], reviewed this memorandum on \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_ I, [*instructional employee*], reviewed this memorandum on \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_ I, [*instructional employee*], reviewed this memorandum on \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_ I, [*instructional employee*], reviewed this memorandum on \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

Step 7•A – Notice to Parents Scheduling Expulsion Hearing

[*School District Letterhead*]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_

[*parent*/*guardian name*] [*Via Hand Delivery or Certified*

[*address*] *Mail RRR and Regular Mail*]

[*address*]

Re: Proposed Expulsion of [*student name*]

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

As we discussed by telephone on [*date*], it has been recommended that your student, [*student name*], be expelled from [*school district name*] ISD for [*describe proposed length of expulsion*] for allegedly [*describe the offense with particularity based on provisions in the Student Code of Conduct*] on [*select one location: school property / within 300 feet of school property / at a school-related or school-sponsored activity / off-campus, where permitted by state law, policy FO or FOD*] in violation of [*refer to appropriate provisions of the Student Code of Conduct, local policy, and Texas Education Code §§ 37.0052, 37.007, or 37.0081*]. Your student is entitled to a due process hearing on the expulsion recommendation. The expulsion hearing will be heard by [*name and title of the Board approved hearing officer*] on [*day*], [*month*] [*date*], [*year*], at [*time*] at the [*location*] located at [*address*], and you are invited to attend and participate. [\*Administrator Note: If the district is closed due to a weather or health-related emergency or government order, and the disciplinary conference cannot take place on school property and, as a result of such closure, the conference will be conducted remotely by telephone or through video conferencing, explain when the conference will be held, the reason for a remote conference, and information for joining the conference call or videoconference] The hearing will be recorded.

Until the expulsion hearing is held, your student is [*temporary assignment pending conference*].

Unless you request and are granted a postponement, you and your student are expected to appear at the stated time and place of the hearing stated above. If you do not attend the conference, a decision regarding expulsion may be made based on the available information and without the benefit of hearing your student’s account of events.

At the hearing, the [*title of hearing officer*] will hear evidence in support of the expulsion, as well as any evidence you wish to present in your student’s defense. [*Student name*] is entitled to be represented by an attorney or other representative at the hearing and may present evidence and cross-examine the administration’s witnesses. If you will be represented by an attorney at the hearing, please notify me in writing at least twenty-four hours prior to the hearing so that the District can make appropriate arrangements with its legal counsel.

The decision whether to expel your student will be based entirely on the evidence presented at the hearing. After hearing the evidence, the [*title of hearing officer*] will take such action as the [*title of hearing officer*] deems lawful and appropriate, including deciding whether or not your student should be expelled.

Documentary evidence the administration intends to present at the hearing is available for review upon request. Additionally, witnesses on behalf of the administration who may testify at the expulsion hearing include:

[*List all possible witnesses and describe the subject of their testimony. For example: Joe Smith, Principal, will testify about the District’s policies and procedures regarding expulsion and [*student name*]’s alleged possession of cocaine on school grounds.*]

As an alternative, if you wish to accept the recommendation of expulsion and waive your student’s right to a hearing on this matter, please complete and return the enclosed form twenty-four hours prior to the scheduled hearing.

We are also seeking to schedule an ARD committee meeting to discuss this matter. If you have not yet received an invitation to an ARD committee meeting, you will soon. If your student is expelled as an outcome of the upcoming hearing, the Expulsion Order will be held in abeyance until such time as the ARD committee can meet to determine if your student’s conduct was a manifestation of [*his/her*] disability.

For your reference I am enclosing [*school district name*] ISD’s policies [*FOD and/or FNG*] and the Student Code of Conduct provisions regarding student expulsion and a copy of the Notice of Procedural Safeguards. Should you have any questions about the expulsion procedure or need any additional information, please do not hesitate to contact me at [*phone number*].

Sincerely,

[*administrator name*], [*administrator title*]

[*school district name*] ISD

Enclosures: [*FOD and/or FNG*]

Student Code of Conduct

Waiver Form

Notice of Procedural Safeguards

Step 7•B – Waiver of Right to an Expulsion Hearing

**[*SCHOOL DISTRICT NAME*] ISD**

**WAIVER OF RIGHT TO AN EXPULSION HEARING**

I am the parent or legal guardian of [*student name*], hereinafter referred to as “my student.”

I acknowledge timely receipt of the notice letter from [*school district name*] ISD dated [*month, date, and year*] containing the recommendation to expel my student for [*describe the offense with particularity based on provisions in the Student Code of Conduct*] on [*select one location: school property / within 300 feet of school property / at a school-related or school-sponsored activity / off campus*] in violation of [*refer to appropriate provisions of the Student Code of Conduct, local policy, and Texas Education Code §§ 37.0052, 37.007, or 37.0081*] and offering the full protections of legal due process.

I understand that on behalf of my student, I have the right to a hearing on that recommendation, the right to have a representative at that hearing, the right to a reasonable opportunity for preparation, the right to present witnesses and evidence, and the right to cross-examine adverse witnesses. I acknowledge that District employees have offered me these rights.

My student and I do not contest the expulsion recommendation. Therefore, on behalf of my student, I am waiving the right to a hearing and to all other elements of due process related to the expulsion of my child.

I understand our rights, and I agree to the expulsion recommendation. I understand that my student will be expelled for [*indicate length of expulsion and any special terms*]. I consent to that disciplinary measure.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Parent/guardian signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print parent/guardian’s name

I have read and understand the Waiver of Right to an Expulsion Hearing. By signing below on this date, I agree to waive the rights described in the waiver.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Student signature Date

Step 15 – Authorization to Release Education Records

**[*SCHOOL DISTRICT NAME*] ISD**

**Authorization to Release Education Records and Information**

I, the below-signed parent or guardian of the student identified in this authorization, authorize [*school district name*] ISD and its employees, representatives, and agents to release and disclose personally identifiable information and/or education records regarding my student, [*student name*], to [*name of representative(s)*] so that [*name of representative(s)*] may advise and represent me and/or my student regarding the proposed expulsion of my student from [*school district name*] ISD, related ARD committee meetings, or any subsequent appeal.

I release and discharge [*school district name*] ISD, its trustees, administrators, employees, agents, volunteers, and assigns, all both in their official and individual capacities, from any and all claims or causes of action arising out of or in any way related to releasing the above-referenced information and records during the expulsion process, related ARD committee meetings, or any subsequent appeal.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Parent/guardian of [*Student name*] Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*Student name*] Date

Step 17 – Expulsion Hearing Guide

for the Board or Board Approved Designee

**Notes to the hearing officer are indicated by bold italics.**

**Hearing Officer:** My name is (***name***) and I am designated by the Board as the hearing officer for the District’s expulsions. We are meeting today [\**Administrator Note: if relevant, state “meeting remotely by telephone/video conference due to the closure of schools”]* at **(*location*)** to consider the expulsion of **(*student name*)**. Today is **(*day*)**, (***month*)**, **(*date*)**, **(*year*)**, and the time is \_\_\_\_\_\_\_\_ **(a.m./p.m.)**

In order to provide the most accurate record possible, an audio recording is being made. Please avoid talking over others so the audio will reflect the proceeding accurately.

Will the student, student’s parent or guardian, and any representative appearing on the student’s behalf please identify yourselves?

**Student Rep:** [*Student, parent/guardian, and/or representative introduce themselves*.]

**Hearing Officer: [*If a non-parent representative is present on behalf of the student:*]** Under the federal Family Educational Rights and Privacy Act, I need written consent from the \_\_\_\_\_\_\_\_\_\_ **(*“parent” if the student is a minor, “student” if the student is age 18 or older*)** to discuss the educational records of **(*student name*)** in front of your representative. Please take a moment to review this consent form authorizing the discussion of **(*student name*)** in front of your representative and, if it is acceptable, please sign it.

**[*Pause while the consent form is signed.*]**

Will each District administrator or employee present please state your name and position?

**Admin Rep:** [*Administrators and employees introduce themselves*.]

**Hearing Officer:** **[*If an attorney is sitting with the hearing officer:*]**Also present to advise the hearing officer is the District’s attorney, \_\_\_\_\_\_\_\_\_\_\_\_\_, with the law firm of Walsh Gallegos Treviño Kyle & Robinson.

**Hearing Officer:** As you know, it is proposed that **(*student name*)** be expelled pursuant to Texas Education Code § **(*list either 37.0052, 37.007, or 37.0081 as appropriate*)** and **(*list the appropriate provisions of* *local policy and the Student Code of Conduct*)** because **(*he/she*)** allegedly **(*describe the offense or offenses with particularity based on provisions in the Student Code of Conduct) on (select one: school property / within 300 feet of school property / at a school-related or school-sponsored activity / off-campus, where permitted by state law, policy FO or FOD*)** on **(date)**.

The student we are discussing today has been identified as having a disability under the Individuals with Disabilities in Education Act. Pursuant to federal law, the District is required to conduct an ARD meeting to consider whether or not the student’s conduct was a manifestation of his/her disability. If I order the student expelled from school, the student’s ARD committee will timely meet to make a manifestation determination. It is important for everyone to understand that the student will not be expelled unless two things happen: (1) I must conclude that the student committed an expellable offense, and (2) absent extenuating circumstances, the ARD committee must conclude that the student’s behavior was not a manifestation of [his/her] disability. The ARD committee meeting is schedule for **(*date*)** at **(*time*)**. If I do not order the student expelled, the ARD committee meeting will not be necessary. If it is necessary, the ARD committee will meet at that time.

This hearing will be conducted in accordance with the District's policy **(*select: FO and/or FOG*)** governing expulsion of students.

It is the Administration’s responsibility to present evidence and witnesses pertaining to the allegations of misconduct. The student’s representative may cross-examine those witnesses.

At the conclusion of the Administration’s presentation, the student’s representative may present witnesses and evidence pertaining to the allegations. The Administration’s representative may cross-examine the student’s witnesses. At the end, I will give both parties a total of 5 minutes for rebuttal and any closing statements.

During the hearing I ask that you conduct yourselves with common courtesy and respect. Only one person should talk at a time. There should be no interruptions, nor should the parties argue directly with each other. Any disruptive behavior will result in removal from the hearing.

To be clear, I am not subject to questioning by either the parties or witnesses. However, following the presentations, I might ask questions as I deem appropriate to aid in my understanding of the facts.

While this hearing is not a formal court proceeding and I am not an attorney, I will rule on objections to the best of my ability.

Are there any questions regarding the hearing procedures or any objection to these rules? **[*Wait for response. If no response, state…*]** For the record, each party is nodding their agreement **[*or some such statement documenting that neither party is disagreeing*].**

The Administration’s representative will now identify for the record all Administration witnesses present.

**Admin Rep:** [*Identifies all Administration witnesses*.]

**Hearing Officer:** The student's representative will now identify all witnesses who are present on behalf of the student.

**Student Rep:** [*Reply*]

**Hearing Officer:** I appoint **(*Clerk's Name*)**, who is an employee of the District and a notary public, to serve as clerk and to swear all witnesses and receive and mark all exhibits and documentary evidence.

The clerk will now administer the oath to all those who anticipate they will offer testimony in this hearing. The witnesses will please rise and raise their right hands to take the oath.

**[*Witnesses rise*.]**

**Clerk:** Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

**[*Witnesses reply.*]**

**Hearing Officer:** All witnesses except the representatives of the Administration, the student,

and the student’s representative, will leave the hearing room following my

instructions. You will be called in when it is your turn to testify. You are not to discuss this case or your testimony with the other witnesses until after this hearing is concluded. I appreciate your cooperation. [*\*Administrator Note: if hearing is being conducted virtually, remember to set up capacity to keep separate the hearing and the waiting witnesses*]

**[*Witnesses are escorted out*.]**

The Administration may now present evidence supporting its case.

**Admin Rep:** [*The Administration's representative presents exhibits and documentary evidence and calls witnesses*.]

[*In addition to the presentation of information related to the misconduct, the Administration should remember to discuss all the factors required by law, including the student’s intent or lack of intent, the student’s discipline history, whether student acted in self-defense, the student’s status in the conservatorship of the Department of Family and Protective Services, whether the student is homeless, or whether the student has a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct. In addition, address any factors the Student Code of Conduct requires be considered as part of the decision-making process. Check the Student Code of Conduct to be certain, but the factors usually include the severity and effect of the misconduct, age and grade level of the student, the student’s demeanor, discipline history, frequency of misconduct, and legal requirements*.]

[*The student's representative is permitted to cross-examine each of the administration’s witnesses at the conclusion of their individual testimony if**desired*.]

**Hearing Officer:** Does the Administration have anything further to present?

**Admin Rep:** [*Reply*]

**Hearing Officer:** The student or representative may now present evidence on behalf of the student.

**Student Rep:** [*The student's representative presents exhibits and documentary evidence and calls witnesses. The Administration's representative is permitted to cross-examine each of the student’s witnesses at the conclusion of their testimony if desired*.]

**Hearing Officer:** Does the student's representative have anything further to present?

**Student Rep:** [*Reply*]

**Hearing Officer:** [***Ask any clarifying questions you may have***.]

At this time, I will hear rebuttal evidence and closing statements limited to 5 minutes for each side. Does the Administration wish to present any additional evidence in rebuttal?

**Admin Rep:** [*The Administration's representative presents any such evidence*.]

**Hearing Officer:** Does the student’s representative wish to present any additional evidence in rebuttal?

**Student Rep:** [*The student's representative presents any such evidence*.]

**Hearing Officer:** The Administration may now make their rebuttal and a closing statement.

**Admin Rep:** [*The Administration makes a closing statement if desired*.]

**Hearing Officer:** The student’s representative may now make a rebuttal and a closing statement.

**Student Rep:** [*The student’s representative makes a closing statement if desired*.]

**Hearing Officer:** The hearing is now concluded.

Having heard the evidence, I may take any action and enter any order that I believe is lawful and appropriate. Because this hearing is not a criminal proceeding, evidence amounting to proof “beyond a reasonable doubt” is not required. Any action I take or any order I enter will be based on a “preponderance of the evidence,” which means the greater weight and degree of the credible evidence.

I will consider only the specific reasons for expulsion and evidence presented by both the Administration and the student at the hearing. I will not consider any statement, rumor, or other information that I may have heard outside of this room. By law, I will take into account the student’s intent or lack of intent, the student’s discipline history, whether the student acted in self-defense, whether the student is under the conservatorship of the Department of Family and Protective Services, whether the student is homeless, or whether the student has a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct.

If I believe that the Administration’s reasons for the proposed expulsion are supported by a preponderance of the evidence presented at this hearing, and these reasons constitute sufficient grounds for expulsion, I may enter an order expelling the student, subject to further action by the ARD committee.

The student will receive written notice of my decision and has the right to appeal my decision to the Board of Trustees.

The time is now [*time*] and this hearing is concluded.Thank you for coming.

Step 18•A – Expulsion Order from Board or Board’s Designee

[*School District Letterhead*]

**ORDER EXPELLING [*STUDENT NAME*] FROM [*SCHOOL DISTRICT NAME*] ISD**

[*Student name*] was recommended for expulsion from [*school district name*] ISD for [*describe offense – refer to appropriate provisions of the Student Code of Conduct, local policy, and Texas Education Code §§ 37.0052, 37.007, or 37.0081*] on [*select the location applicable to each offense: school property / at a school-related or school-sponsored activity / off-campus, where permitted by state law, policy FO or FOD*]. An expulsion hearing was held on [*day*], [*month*] [*date*], [*year*] at approximately [*time*] in the [*location*] of [*school district name*] ISD before [*administrator name*], [*administrator title*]. Present at the conference were: [*name all persons present*].

After considering all of the information and exhibits related to the alleged misconduct presented at the hearing, the student’s account of and arguments concerning events at the expulsion hearing, the administration’s presentation and arguments, and the laws and policies related to the charge[s] against the student, it was determined that [*student name*] committed the misconduct as charged.

[*\* Note to administrator* – Select One of the Two Options Below:]

* ***If expelling pursuant to Tex. Educ. Code § 37.0052 or 37.007:***

“IT IS ORDERED that [*student name*] be expelled from [*school district name*] ISD for [*time in days*] with the expulsion to begin on [*month*] [*date*], [*year*].

OR

* ***If expelling to an alternate setting pursuant to Tex. Educ. Code § 37.0052 or 37.0081:***

“IT IS ORDERED that [*student name*] be expelled from [*school district name*] ISD for [*time in days*] and placed in the alternate setting of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with the expulsion to begin on [*month*] [*date*], [*year*].”

[*\* Note to administrator – If the expulsion period is inconsistent with the guidelines adopted in the Student Code of Conduct, then insert the following sentence: “The period of expulsion [exceeds/is below] the recommended length established in [school district name] ISD’s Student*

*Code of Conduct.”\*\**]

[*\* Note to administrator – If the terms of the expulsion will be impacted by a government-related closure of schools, explain any modified terms and the location of the student’s placement*]

[*Student name*] is prohibited from being on school premises or attending or participating in any school-sponsored or school-related activity during the term of the expulsion.

A copy of this Order will be delivered to the authorized officer of the juvenile court in the county in which the student resides pursuant to Texas Education Code § 37.010(a).

Should the student seek to enroll in another school district before serving the full term of expulsion, [*school district name*] ISD will provide a copy of the expulsion order at the same time other records are provided to the enrolling school district.

Enforcement of this Order is subject to further action by [*student name*]’s Admission, Review and Dismissal Committee.

The personal data of the student is as follows:

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Sex: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DOB: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ SSN: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Parent/guardian: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Home address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated this the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*administrator name*], [*administrator title*]

[*school district* *name*] ISD

Step 20•B – Expulsion Order If Hearing Waived

[*School District Letterhead*]

**ORDER EXPELLING [*STUDENT NAME*] FROM [*SCHOOL DISTRICT NAME*] ISD**

[*Student name*] was recommended for expulsion from [*school district name*] ISD for [*describe offense – refer to appropriate provisions of the Student Code of Conduct, local policy, and Texas Education Code §§ 37.0052, 37.007, or 37.0081*] on [*select the location applicable to each offense: school property / at a school-related or school-sponsored activity / off-campus, where permitted by state law, policy FO or FOD*]. The student and student’s parents do not contest the expulsion recommendation and signed a “Waiver of Right to an Expulsion Hearing” on [*month, date, year*].

After considering the circumstances, the laws and policies related to the charge against the student, and the facts involved, IT IS ORDERED that [*student name*] be expelled from [*school district name*] ISD . . . [*\* Note to administrator* – Complete the sentence with one of the two options below:]

* ***If expelling pursuant to Tex. Educ. Code § 37.0052 or 37.007:***

. . . for [*time in days*] with the expulsion to begin on [*month*] [*date*], [*year*].”

OR

* ***If expelling to an alternate setting pursuant to Tex. Educ. Code § 37.0052 or 37.0081:***

. . . for [*time in days*] and placed in the alternate setting of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ with the expulsion to begin on [*month*] [*date*], [*year*].”

[*\* Note to administrator – If the expulsion period is inconsistent with the guidelines adopted in the Student Code of Conduct, then insert the following sentence: “The period of expulsion [exceeds/is below] the recommended length established in [school district name] ISD’s Student Code of Conduct.”\*\**]

[*\* Note to administrator – If the terms of the expulsion will be impacted by a government-related closure of schools, explain any such impact*]

[*Student name*] is prohibited from being on school premises or attending or participating in any school-sponsored or school-related activity during the term of the expulsion.

A copy of this Order will be delivered to the authorized officer of the juvenile court in the county in which the student resides pursuant to Texas Education Code § 37.010(a).

Should the student seek to enroll in another school district before serving the full term of expulsion, [*school district name*] ISD will provide a copy of the expulsion order at the same time other records are provided to the enrolling school district.

Enforcement of this Order is subject to further action by [*student name*]’s Admission, Review and Dismissal Committee.

The personal data of the student is as follows:

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sex: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DOB: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SSN: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Parent/guardian: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Home address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated this the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*administrator name*], [*administrator title*]

[*school district name*] ISD

Step 19•A – Letter to Parents Providing Expulsion Order

[*School District Letterhead*]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_

[*parent*/*guardian & student name*] [*Via Hand Delivery or Certified*

[*address*] *Mail RRR and Regular Mail*]

[*address*]

Re: Expulsion of [*student name*]

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

As you know, it was recommended that your student, [*student name*], be expelled from [*school district name*] ISD for allegedly [*describe the offense with particularity based on provisions in the Student Code of Conduct*] on [*select the location applicable to each offense: school property / within 300 feet of school property / at a school-related or school-sponsored activity / off-campus, where permitted by state law, policy FO or FOD*]. A fair and impartial expulsion hearing was held on [*day*], [*month*] [*date*], [*year*], at [*time*] at the [*location*] located at [*address*]. Present at the hearing were: [*name all persons present*]. At the hearing, your student was given an opportunity to present evidence in defense and cross-examine the administration’s witnesses.

Based on the information and arguments presented at the expulsion hearing, the [*title of hearing officer*] determined that [*student name*] committed [*describe the offense with particularity based on provisions in the Student Code of Conduct*] on [*select the location applicable to each offense: school property / within 300 feet of school property / at a school-related or school-sponsored activity / off-campus, where permitted by state law, policy FO or FOD*] in violation of [*list appropriate provisions of the Student Code of Conduct, local policy, and Texas Education Code §§ 37.0052, 37.007, or 37.0081*].

In arriving at this decision, the [*title of hearing officer*] considered your student’s intent or lack of intent, discipline history, whether your student acted in self-defense, whether the student is under the conservatorship of the Department of Family and Protective Services, whether the student is homeless, or whether your student has a disability that substantially impairs his/her capacity to appreciate the wrongfulness of the conduct. [*Also* *list all factors or documents the Student Code of Conduct requires you to consider as part of the decision-making process.*]

[*If the ARD Committee already convened*:] On [*day*], [*month*] [*date*], [*year*], your student’s ARD Committee met and determined that the behavior in question was not a manifestation of [*his/her*] disability. Accordingly, it is directed that your student be expelled from [*school district name*] ISD . . . [*\* Note to administrator* – Complete the sentence with one of the two options below:]

* ***If expelling pursuant to Tex. Educ. Code § 37.0052 or 37.007:***

. . . for [*time in days*] with the expulsion to begin on [*month*] [*date*], [*year*].”

OR

* ***If expelling to an alternate setting pursuant to Tex. Educ. Code § 37.0052 or 37.0081:***

. . . for [*time in days*] and placed in the alternate setting of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ with the expulsion to begin on [*month*] [*date*], [*year*].”

During the expulsion, your student is prohibited from being on campus or attending or participating in any school-sponsored or school-related activity. You are required to provide adequate supervision of your student during the term of expulsion.

A copy of the Expulsion Order is enclosed for your reference.

[*If the ARD Committee has not yet convened*:] Enforcement of this Order is subject to further action by [*student name*]’s Admission, Review and Dismissal Committee. A meeting of [*student name*]’s Admission, Review and Dismissal Committee is scheduled for [time] on [*month*] [*date*], [*year*]. Should [*student name*]’s Admission, Review and Dismissal Committee determine that the behavior in question was not a manifestation of [*his/her*] disability, your student be expelled from [*school district name*] ISD . . . [*\* Note to administrator* – Complete the sentence with one of the two options below:]

* ***If expelling pursuant to Tex. Educ. Code § 37.0052 or 37.007:***

. . . for [*time in days*] with the expulsion to begin on [*month*] [*date*], [*year*].”

OR

* ***If expelling to an alternate setting pursuant to Tex. Educ. Code § 37.0052 or 37.0081:***

. . . for [*time in days*] and placed in the alternate setting of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ with the expulsion to begin on [*month*] [*date*], [*year*].”

As required by Texas Education Code § 37.010, a copy of the Order will be sent to the authorized officer of the juvenile court in \_\_\_\_\_ County. If your student enrolls in another school district before serving the full term of expulsion, [*school district name*] ISD will provide a copy of the expulsion order to the enrolling school district at the same time other records are provided.

If you are dissatisfied with this result, you may appeal to [*hearing officer*]. For your reference enclosed is a copy of local policy [*FNG and/or FOD*] outlining the appeal procedures and a copy of the Notice of Procedural Safeguards. Do not hesitate to contact me at [*phone number*] should you have any questions about your student’s expulsion.

Sincerely,

[*administrator name*], [*Board or Board Approved Designee’s Title*]

[*school district name*] ISD

Enclosures: Expulsion Order & Board Policy [*FNG and/or FOD*]

Notice of Procedural Safeguards

Step 19•B – Letter to Parents Providing Expulsion Order

If Hearing Waived

[*School District Letterhead*]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_

[*parent*/*guardian & student name*] [*Via Hand Delivery or Certified*

[*address*] *Mail RRR and Regular Mail*]

[*address*]

Re: Expulsion of [*student name*]

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

As you know, it was recommended that your student, [*student name*], be expelled from [*school district name*] ISD for allegedly [*describe the offense with particularity based on provisions in the Student Code of Conduct*] on [*select the location applicable to each offense: school property / within 300 feet of school property / at a school-related or school-sponsored activity / off-campus, where permitted by state law, policy FO or FOD*]. You chose to waive your and your student’s right to an expulsion hearing.

In arriving at this decision, the [*title of hearing officer*] considered your student’s intent or lack of intent, discipline history, whether your student acted in self-defense, whether the student is under the conservatorship of the Department of Family and Protective Services, whether the student is homeless, or whether your student has a disability that substantially impairs his/her capacity to appreciate the wrongfulness of the conduct. [*Also* *list all factors or documents the Student Code of Conduct requires you to consider as part of the decision-making process.*]

[*If the ARD Committee already convened*:] On [*day*], [*month*] [*date*], [*year*], your student’s ARD Committee met and determined that the behavior in question was not a manifestation of [*his/her*] disability. Accordingly, I am directing that your student be expelled from [*school district name*] ISD . . . [*\* Note to administrator* – Complete the sentence with one of the two options below:]

* ***If expelling pursuant to Tex. Educ. Code § 37.007:***

. . . for [*time in days*] with the expulsion to begin on [*month*] [*date*], [*year*].”

OR

* ***If expelling to an alternate setting pursuant to Tex. Educ. Code § 37.0081:***

. . . for [*time in days*] and placed in the alternate setting of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ with the expulsion to begin on [*month*] [*date*], [*year*].”

During the expulsion, your student is prohibited from being on campus or attending or participating in any school-sponsored or school-related activity. You are required to provide adequate supervision of your student during the term of expulsion.

A copy of the Expulsion Order is enclosed for your reference.

[*If the ARD Committee has not yet convened*:] Enforcement of this Order is subject to further action by [*student name*]’s Admission, Review and Dismissal Committee. A meeting of [*student name*]’s Admission, Review and Dismissal Committee is scheduled for [time] on [*month*] [*date*], [*year*]. Should [*student name*]’s Admission, Review and Dismissal Committee determine that the behavior in question was not a manifestation of [*his/her*] disability, your student be expelled from [*school district name*] ISD . . . [*\* Note to administrator* – Complete the sentence with one of the two options below:]

* ***If expelling pursuant to Tex. Educ. Code § 37.0052 or 37.007:***

. . . for [*time in days*] with the expulsion to begin on [*month*] [*date*], [*year*].”

OR

* ***If expelling to an alternate setting pursuant to Tex. Educ. Code § 37.0052 or 37.0081:***

. . . for [*time in days*] and placed in the alternate setting of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ with the expulsion to begin on [*month*] [*date*], [*year*].”

As required by Texas Education Code § 37.010, a copy of the Order will be delivered to the authorized officer of the juvenile court in \_\_\_\_\_\_\_\_\_\_\_ County. If your student enrolls in another school district before serving the full term of expulsion, [*school district name*] ISD will provide a copy of the expulsion order to the enrolling school district at the same time other records are provided.

If you are dissatisfied with this result, you may appeal to the Board. For your reference enclosed is a copy of local policy [*FNG and/or FOD*] outlining the appeal procedures and a copy of the Notice of Procedural Safeguards. Do not hesitate to contact me at [*phone number*] should you have any questions about your student’s expulsion.

Sincerely,

[*administrator name*], [*Board Approved Designee’s Title*]

[*school district name*] ISD

Enclosures: Expulsion Order & Board Policy [*FNG and/or FOD*]

Notice of Procedural Safeguards.

Step 22 & 23 – Letter to Juvenile Court/JJAEP

Enclosing Expulsion Order

[*School District Letterhead*]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_

[*Name of Authorized Officer*] [*Via Hand Delivery or Regular Mail*]

[*Title*] Juvenile Court

[*address*]

[***Only send to the JJAEP representative as***

***indicated below if the county has a JJAEP***

***or the district contracts with a JJAEP for services:***]

[*JJAEP’s Designated Representative*] [*Via Hand Delivery or Regular Mail*]

[*Title of JJAEP Board*]

[*address*]

Re: Expulsion of [*student name*]

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

According to Texas Education Code § 37.010, we are required to deliver a copy of an Expulsion Order to the authorized officer of the juvenile court in the county in which the expelled student resides. In compliance with that provision, enclosed please find a copy of the Expulsion Order for [*student name*]. The student was expelled from [*school district name*] ISD after conducting an expulsion hearing in which all due process rights were provided to the student in accordance with Texas Education Code § 37.009.

**[*Include the following sentence only if your county has a JJAEP or your district contracts with a JJAEP for services:*]** A copy of this letter and the expulsion order is also being provided to [*JJAEP’s Designated Representative*] in order to facilitate the student’s enrollment in [*name of JJAEP].*

Should you need more information about the circumstances leading to the expulsion and the evidence supporting that decision, please contact me at [*phone number*].

Sincerely,

[*administrator name*], [*administrator title*]

[*school district name*] ISD

Enclosures: Expulsion Order

Step 24 – Expulsion Notice to Instructional Educators

[*School District Letterhead*]

**CONFIDENTIAL MEMORANDUM**

TO: [*List each educator who has responsibility for instruction of the student or persons under the direction and supervision of an educator who has responsibility for instruction of the student*]

FROM: [*administrator*]

RE: Report of Student Expulsion

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_

In accordance with Texas Education Code § 37.007(g), I am advising you that [*student name*] has been expelled for [*describe offense or offenses with particularity and refer to appropriate provisions of Texas Education Code § 37.015*] on [*select the location applicable to each offense: school property / at a school-sponsored or school-related activity on or off school property; off-campus, where permitted by state law, policy FO or FOD*] on [*date*]. The expulsion is effective beginning [*month, date, year*], and will expire [*month, date, year*]. During this expulsion period, the student is prohibited from being on campus or attending or participating in any school-sponsored or school-related activity.

Please note that you are required to keep this information confidential. The State Board for Educator Certification may revoke or suspend your certification if you intentionally violate the confidentiality requirement set out in Texas Education Code § 37.006(g).

If you need additional information concerning this matter, please feel free to contact me.

Please check the box, initial below, and fill in the date after you review this memo:

\_\_\_\_\_ I, [*instructional employee*], reviewed this memorandum on \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_ I, [*instructional employee*], reviewed this memorandum on \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_ I, [*instructional employee*], reviewed this memorandum on \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

Step 29 – Letter to Parents Scheduling Expulsion Appeal

[*School District Letterhead*]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_

[*parent*/*guardian name*] [*Via Hand Delivery or Certified Mail RRR*]

[*address*]

[*address*]

Re: Appeal of Student Expulsion

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

I am writing in response to your letter dated [*month, date, year*], appealing the decision to expel [*student name*] to the [*school district name*] ISD Board of Trustees. As we discussed by telephone on [*date*], your expulsion appeal is scheduled to be heard by the Board on [*day*], [*month*] [*date*], [*year*], at [*time*] at the [*location*] located at [*address*]. [*\* Note to administrator*: If the Board meeting cannot be conducted live due to a weather or health-related emergency closures or government order, and the appeal will be conducted remotely by telephone or through video conferencing, explain when the appeal will be held, the reason for a remote appeal, and information for joining the conference call or videoconference.] Until the expulsion hearing is held, your student is [*placement pending Board hearing*].

At the expulsion appeal, the Board will review the documents and transcript from the expulsion hearing below and hear oral presentations from each party. New evidence will not be admitted, and no witnesses will be called or cross-examined. For your reference enclosed are both legal and local policy [*FOD and/or FNG*] and the record that will be provided to the Board of Trustees from the level below. [*\* Note to administrator: Do not use the language above if a new hearing is being held before the Board to cure procedural errors*.] The appeal will be recorded.

Your student is entitled to be represented by an attorney or other representative at the hearing. If you plan to have an attorney at the appeal, please notify me in writing at least three business days prior to the hearing so that the District can make appropriate arrangements with its legal counsel.

Please contact me at [*phone number*] should you have any questions about the expulsion appeal procedure or need any additional information.

Sincerely,

[*administrator name*], [*administrator title*]

[*school district name*] ISD

Enclosures: Board Policy [*FOD and/or FNG*] (legal) & (local)

Record of Expulsion Hearing

Step 33 – Authorization to Release Education Records

In Open Session

**[*SCHOOL DISTRICT NAME*]**

**Authorization to Release Education Records and Information in Open Session**

I, the below-signed parent or guardian of the student identified in this authorization, authorize [*school district name*] ISD and its employees, representatives, and agents to release and disclose personally identifiable information and/or education records regarding my student, [*student name*], during the expulsion appeal scheduled for [*month, date, year*].

I have requested that the expulsion appeal be conducted in open session of [*school district name*] ISD Board of Trustees. I understand that while in open session any member of the public will be able to hear personally identifiable information about my student that would otherwise be confidential. The purpose of this authorization is to allow discussion of my student’s personally identifiable information and/or education records during open session of the expulsion appeal.

I release and discharge [*school district name*] ISD, its trustees, administrators, employees, agents, volunteers, and assigns, all both in their official and individual capacities, from any and all claims or causes of action arising out of or in any way related to releasing the above-referenced information and records during the expulsion appeal.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Parent/guardian of [*Student name*] Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*Student name*] Date